

Remarks

Claims 1-32 were originally filed in this application.

Claims 1-14 and 17-30 were withdrawn from consideration and subsequently canceled to facilitate prosecution of this application.

Claims 33-35 were added in the Response dated August 26, 2008.

Claims 33 and 35 are currently canceled without prejudice or disclaimer.

Claims 15, 16, 32, and 34 are currently amended without introducing new matter.

New dependent claims 36-46 are presented without introducing new matter.

Support for the respective amendments and the subject matter of each of the new claims can be found throughout the specification, claims, and drawings as originally filed. For example, FIG. 3 of the present application exemplarily illustrates a portion of an electrochemical device having depleting and concentrating compartments as well as a compartment with cation exchange resin bounded by anion-selective membranes.

Further, the present specification discusses a reservoir that can be pressurized at page 9. The present specification also discloses that the reservoir can comprise a heating coil and can be connected to a point of use that may be any of a washing machine, a dishwasher, a faucet serving to provide water to a kitchen sink, and a showerhead. (See specification at pages 9, 10, and 11.) The present specification also discloses sensors such as a conductivity sensor and various features thereof. (See specification at pages 11-14.) The present specification also discloses that treated product liquid, such as water, can be produced to have a conductivity of less than about 300 $\mu\text{S}/\text{cm}$ but above 150 $\mu\text{S}/\text{cm}$. (See specification at page 14, and at Tables 1-4 of the Example.)

As a result, claims 15, 16, 31, 32, 34, and 36-45 are pending with claims 15, 16, 31, and 32 being in independent form

Rejections under 35 U.S.C. § 103

Claims 15, 16, 31-35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Liang *et al.*, in U.S. 6,649,037 (hereinafter “Liang”).

The presently claimed subject matter is assigned to Siemens Water Technologies Holding Corp. and was owned or subject to an obligation of assignment to any of United States Filter Corporation and USFilter Corporation. (See Assignment recordations at reel and frame numbers 014705/0692, 015204/0024, and 018418/0212.)

Although the Examiner has not stated so, Liang appears to qualify as a prior art reference under 35 U.S.C. § 102(e) because it issued after, but was granted from an application that was filed before the filing date of this application. The subject matter of Liang also is assigned to Siemens Water Technologies Holding Corp. and also was owned or subject to obligation of assignment to any of United States Filter Corporation and USFilter Corporation. (See Assignment recordations at reel and frame numbers 011883/0712, 015093/0586, 017164/0440, and 019365/0293.) Thus, Liang includes subject matter developed by another person but was owned by or subject to obligation of assignment to the same person as the presently claimed subject matter.

Therefore under 35 U.S.C. § 103(c), Liang cannot preclude patentability under 35 U.S.C. § 103(a).

The *prima facie* case of obviousness based on Liang is also improper because the cited reference fails to disclose or suggest each and every limitation in the particular manner respectively recited in each of the claims.

Accordingly, reconsideration and withdrawal of the rejection under 35 U.S.C. § 103 is respectfully requested.

New Claims

Dependent claims 36-46 are newly presented. These claims respectively depend from independent claims 15, 16, 31, and 32 and further recite additional features of the invention. The respective subject matter of each of these new dependent claims are patentable for at least the same reasons noted above.

Conclusion

In view of the foregoing Amendments and Remarks, this application is in condition for allowance; a notice to this effect is respectfully requested. If the Examiner believes, that the application is not in condition for allowance, the Examiner is requested to call Applicants' attorney at the telephone number listed below.

If this Response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this Response, including an extension fee that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762 (ref. no. I0168-707719).

Respectfully submitted,
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